

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ROBERT DAVID DUNN,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-05-0726-F
)	
RANDALL WORKMAN, Warden,)	
STATE OF OKLAHOMA,)	
)	
Respondents.)	

ORDER


This action seeks habeas relief under 28 U.S.C. § 2241. Magistrate Judge Doyle W. Argo entered a Report and Recommendation, filed June 29, 2005 (docket entry no. 8), recommending that the motion for leave to proceed in forma pauperis be denied as moot because petitioner had submitted the requisite filing fee. The June 29 Report further advised petitioner of his right to file an objection to the Report by July 19, 2005 and advised that failure to timely object to the Report waives the right to appellate review of both factual and legal issues contained in the Report. No objection or request for an extension of time within which to object has been filed.

Having reviewed the June 29, 2005 Report and Recommendation of Magistrate Judge Argo, the court **ACCEPTS, ADOPTS** and **AFFIRMS** that Report in its entirety. Accordingly, petitioner's motion to proceed in forma pauperis is hereby **STRICKEN** as moot.

Magistrate Judge Argo has also entered a second Report and Recommendation, filed July 19, 2005 (docket entry no. 10), recommending that the petition for a writ of habeas corpus be dismissed upon filing as untimely. Petitioner, who appears pro se and whose pleadings are liberally construed, has objected to that Report.

Having reviewed all objected to matters de novo, and after careful study of the July 19 Report and the relevant legal authorities, the court finds and concludes that it concurs with the magistrate judge's determinations and that no purpose would be served by repeating those determinations or presenting any additional analysis here. The court hereby **ACCEPTS, ADOPTS** and **AFFIRMS** the July 19, 2005 Report and Recommendation of Magistrate Judge Doyle. Accordingly, the petition for a writ of habeas corpus is hereby **DISMISSED** upon filing as untimely.

Dated this 8th day of August, 2005.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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